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PATENT

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Signature

Applicant : Shougo Imada, et al. Confirmation No. 8744
Application No. : 10/769,488
Filed : January 30, 2004
Title : MICROCOMPUTER LOGIC DEVELOPMENT

Grp./Div. : 2123
Examiner : Dwin M. Craig

Docket No. : 51879/A400

REQUEST FOR RECONSIDERATION OF
PETITION TO CORRECT FILING DATE

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
May 10, 2007

Commissioner:

The Decision on Petition dated April 20, 2007 denies applicant's Petition to Correct Filing Date on technical grounds that, (1) the petitioner did not explain why a petition was filed until more than three years after the erroneous filing date was reported and (2) the petition did not provide any "corroboration by evidence from the USPS or evidence that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail" Post Office to Addressee" service of the USPS.

These requirements are under section 1.10(d) Title 37 of the CFR, and are waivable by the Commissioner.

Since the erroneous granting of the earlier date could be prejudicial to third parties, discretionary authority of the Commissioner is requested in waiving the two requirements for the

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following reasons. More specifically, affording the improper earlier filing date to the present application could prejudice third parties,

- (1) by allowing the earlier filing date to be asserted by the USPTO or by third parties to contend that the present application became effective prior art against an application or patent filed by another on the earlier date of January 29, 2004, rather than on the later actual filing date of January 30, 2004; and
- (2) by allowing the invention in the present application to be asserted as patentable over prior art that is effective on or after the earlier date of January 29, 2004, rather than the actual filing date of January 30, 2004.

In the interest of justice, the later correct filing date of January 30, 2004 should be accorded to the present application, particularly when as here the error was due to the U.S. Postal Service and the declaration filed with the petition in support of the later date clearly shows the application could not have been deposited in the postal service on the earlier date.

Furthermore, the undersigned and persons working under the undersigned have worked diligently with the U.S. postal service since the error was discovered trying to obtain some type of record which would satisfy the limited corroboration evidence required under section 1.10(d)(3), but have been unable to find any such technically required corroboration evidence.

In the interest of justice to third parties, this petition should be granted affording the later filing date to the present application of January 30, 2004.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
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Reg. No. 20,958
626/795-9900

DBP/rjf

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